

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	
)	
Daniel F. Justin et al.)	
)	
Serial No.:	10/749,346) Art Unit
) 3738
Filed:	December 30, 2003)
)
Confirmation No.:	8202)
)
For:	TIBIAL CONDYLAR HEMIPLASTY IMPLANTS,)
	ANCHOR ASSEMBLIES, AND)
	RELATED METHODS)
)
Examiner:	Alvin J. Stewart)

TRANSMITTAL FOR 5th SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is a Fourth Supplemental Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

- Statement of relevance of selected cited references not in the English language which are not translated.
- Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.
- Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- ☒ Form PTO-1449 listing 1 reference submitted for consideration.
- ☐ A copy of ___ Non-US references listed on the Form PTO-1449.
- ☐ English translations of ___ (___) of the references listed on the Form PTO-1449 which are not in the English language.
- ☐ Copies of the following documents from the prosecution of a previous, related application:
 - ☐ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and
 - ☐ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Supplemental Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

- I. ☒ Prior to the later of either three (3) months following the filing date of an RCE or the mailing of a first Office Action after filing an RCE. Accordingly, no materials other than those listed above are enclosed.
- II. ☐ Currently with the filing of a Request for Continued Examination (RCE). Accordingly, no fee is required for submission of the Information Disclosure Statement.
- III. ☐ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:
 - ☐ Promptness Certification; or
 - ☐ Form PTO-2038 submitting Credit Card Payment in the amount of \$180.00 constituting the submission fee set forth in 37 C.F.R. § 1.17(p).
- IV. ☐ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
 - ☐ Promptness Certificate;

- ___ Petition for Consideration; and
- ___ Check No. in the amount of \$ ___ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).
- VI. ___ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
- ___ Petition to Withdraw from Issue; and
- ___ Check No. _____ in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

- X Any fee required in relation to filing of this letter or any documents transmitted therewith.
- ___ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).
- ___ The submission fee set forth in 37 C.F.R. § 1.17(p).
- ___ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 19th day of October 2007.

Respectfully submitted,

/Dana L. Tangren/ Reg # 37246
DANA L. TANGREN

Attorney for Applicant
Registration No. 37,246
Customer No. 022913
Telephone No. 801.533.9800